

MAR. 29. 2004. 4:21PM 8587926773

NO. 9412 P. 1

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From : Wesley B. Ames

Email Address : wames@foley.com

Sender's Direct Dial : 858.847.6714

Date : March 29, 2004

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### MESSAGE:

Re: U.S. Application No. 09/385,287

835

Attachment:

Notice of Appeal, in duplicate (4 pgs.)

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NO. 9412 P. 2

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Atty. Dkt. No. 071957-1102

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David R. Kaplan  
Title: Methods for Detecting an Analyte  
of Interest Using Catalized Reporter  
Deposition of Tyramide  
Appl. No.: 09/835,287  
Filing Date: 04/13/2001  
Examiner: Gailene Gabel  
Art Unit: 1641

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---

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals from the decision of the final rejection dated September 29, 2003, of the Examiner finally rejecting Claims 1-20 and 37.

- ☒ [ X ] Applicant claims small entity status.
- ☒ [ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:
- ☒ [ X ] Notice of Appeal Fee
- ☒ [ X ] To be paid as detailed below
- ☐ [ ] Not required (Fee paid in prior appeal)

In re Application of  
David R. Kaplan  
Application No. 09/835,287

Atty. Dkt. No. 071957-1102

The required fees are calculated below:

<input checked="" type="checkbox"/>		Notice of Appeal Fee	\$330.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:		\$950.00
<input type="checkbox"/>	Extension:		\$0.00
	FEE TOTAL:		\$1280.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$640.00
	TOTAL FEE:		\$640.00

- ☒ Please charge Deposit Account No. 50-0872 in the amount of \$640.00 . A duplicate copy of this transmittal is enclosed.
- ☐ A check in the amount of \$640.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: March 29, 2004

By Wesley B. Ames

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6714  
Facsimile: (858) 792-6773

Wesley B. Ames  
Attorney for Applicant  
Registration No. 40,893

Atty. Dkt. No. 071957-1102

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David R. Kaplan  
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<input type="checkbox"/>	Extension:		\$0.00
	FEE TOTAL:		\$1280.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):		\$640.00
	TOTAL FEE:		\$640.00

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